

Remarks/Arguments

Claims 1-31 remain present in the case. Claims 1-15, 19, 20, 22 and 25-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over O'Conner et al. (U.S. Patent No. 6,450,704) in view of prior art cited by Applicants; and Claims 16-18, 21, 23 and 24 are indicated as containing allowable subject matter.

By the present Amendment, Claims 1, 10, 13, 16, 17, 21, 25 and 30 have been amended to avoid indefinite language and to provide greater clarity; and Claims 32 and 33 have been canceled to expedite prosecution.

Applicants have carefully considered the cited art and the Examiner's comments, and believe the claims currently in the case patentably distinguish over the cited art and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

Claim 1 is directed to an enclosure for an optical communications device that includes a base portion and a lid portion. The lid portion includes focusing elements and is affixed to the base portion to receive at least a portion of the optical communications device therebetween. In addition, Claim 1 recites "at least one alignment member formed on the lid portion" to interface with a connector to align the connector relative to the lid portion.

Both O'Conner and prior art illustrated in FIGURE 1 of the present application disclose an enclosure in which alignment members are formed on the base portion and extend through apertures in the lid portion to interface with a connector. The prior art does not disclose or suggest forming alignment members on the lid portion.

In rejecting the claims, the Examiner acknowledges that O'Conner fails to show alignment members formed on the lid portion. The Examiner asserts, however, that the apparatus functions as a whole, integral apparatus, and that it is an obvious modification to form the alignment members on/through any part of the apparatus, since the functionality is the same; and in support of this position, the Examiner cites *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

Applicants submit that *In re Larson* is not pertinent to the present invention. *In re Larson* states that whether a brake drum is integral with a clamping means or the brake drum and clamping means comprise separate elements secured together is not a patentable distinction. *In re Larson* is not pertinent to the present case because the issue in the present case is not whether elements are integral or secured together. Instead, in the present case, the cited art discloses alignment members on the base portion of an enclosure, and the present invention, as recited in Claim 1, requires "at least one alignment member formed on the lid portion" of an enclosure. In the present case, accordingly, the at least one alignment member is formed on a different component entirely than in the cited art, i.e., on the lid portion rather than on the base portion of an enclosure; and doing so results in an improvement in manufacturing efficiency and a reduction in manufacturing costs as described in the specification.

For all the above reasons, *In re Larson* does not overcome the deficiencies in the cited art. Claim 1, accordingly, is believed to patentably distinguish over the cited art and to be allowable in its present form, and it is respectfully requested that the Examiner so find.

Claims 2-12 depend from and further restrict Claim 1 and should also be allowable in their present form, at least by virtue of their dependency.

Independent Claims 13 and 25 are directed to embodiments of the invention such as are illustrated in Figs. 2C and 3 of the present application. In particular, Claim 13 is directed to a method of fabricating an optical interconnect device that includes forming at least two alignment members on a substrate, and affixing the substrate to a base material with at least a portion of optical-electrical components therebetween. In addition, Claim 13 recites “segmenting the affixed substrate and base material into at least two portions of affixed substrate and base material, each portion having at least one of the at least two alignment members”. Claim 25, as amended, is directed to a structure divisible into two or more optical communications devices, and recites, in part, first and second affixed substrates divisible into at least two portions, and at least two alignment members formed on the second substrate. In addition, Claim 25 recites “at least one of the at least two alignment members being formed on each portion of said second substrate”.

As pointed out in the specification, features such as recited in Claims 13 and 25 enable a plurality of optical interconnect devices to be manufactured in a batch process and then separated to provide even greater manufacturing efficiencies.


In rejecting Claim 13, the Examiner states that the method is inherent in O'Connor. In rejecting Claim 25, the Examiner states that O'Conner teaches a plurality of devices in an array, and the devices are positioned between first and second substrates 11 and 29. Applicants respectfully disagree. O'Conner nowhere discloses or suggests a plurality of devices in an array. Further, O'Conner neither discloses nor suggests the method recited in Claim 13 or the structure recited in Claim 25 as described above.

Independent Claims 13 and 25, together with the claims dependent thereon are,
accordingly, believed to be allowable in their present form.

For all the above reasons, Claims 1-31 are believed to patentably distinguish over
the cited art and to be allowable in their present form, and issuance of a Notice of
Allowance is respectfully requested. In addition, the amendments made herein are not
believed to raise any new issues that would require further searching and/or consideration
by the Examiner, and entrance of this Amendment as placing the application in better
condition for allowance or appeal is respectfully requested.

Respectfully submitted,

Kirk S. Giboney et al.

By: 
Holly L. Rudnick
Attorney/Agent for Applicants
Reg. No. 43,065
(972) 628-3600